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REMARKS

The Office Action dated February 12, 2008, has been received and reviewed. This response, submitted along with a petition for a One Month Extension of Time, is directed to that action.

Claims 12 and 19 have been amended, and claim 17 has been cancelled. No new matter has been added.

The applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks.

Specification

The Examiner suggested that the specification include section headings. Accordingly, the specification has been amended herein to provide headings where appropriate.

Objections to the Drawings

The Examiner objected to the drawings for failing to show the "upper surface" feature described in claims 12 and 19. In order to advance prosecution, the applicants have amended claims 12 and 19 to remove this limitation, thus rendering the present objection moot.

Claim Objections

The Examiner objected to claims 16 and 17 because they are identical. Claim 17 has been cancelled herein, thus rendering this objection moot.

Claim Rejections- 35 U.S.C. §112

The Examiner rejected claims 12 and 19 under 35 U.S.C. §112, second paragraph as indefinite for failing to provide proper antecedent basis for the term "upper surface". In order to advance prosecution, the applicants have cancelled this term from the claims, thus rendering the present rejection moot.

Claim Rejections- 35 U.S.C. §103

The Examiner rejected claims 1-20 under 35 U.S.C. §103(a) as obvious over Duffield (US 2004/0118711 A1) in view of Stevens et al. (US 5,474,784). The applicants respectfully traverse this rejection.

A *prima facie* case of obviousness cannot be established because a person of ordinary skill in the art would not be motivated to combine the teachings of Duffield and Stevens to achieve the presently claimed invention. The claimed invention is directed, generally, to a water soluble container. Although Duffield teaches a water soluble container, the container of Stevens is certainly not fully water soluble. A skilled artisan would have no reason to look to the teachings of a non-water soluble container, like Stevens, when trying to improve upon a water soluble container.

Although Stevens mentions that water soluble materials may be used, Stevens importantly states, in particular, that "the area of their exterior surface which is soluble or dispersible comprises only a minor proportion of the total area of the exterior surface of the device. Generally no more than 40% of and preferably less than 20% of the surface area will be formed from water soluble or dispersible materials". (Stevens, col. 1, lines 40-44). This clearly suggests to any skilled artisan that Stevens wants to *minimize* the

amount of water soluble material in his invention. Contrarily, the presently claimed invention *must* be water soluble.

The Examiner stated that the walls of Stevens invention are coated with an impermeable coating, but the coating "could simply be omitted and the capsule could function like the water-soluble container of Applicant or Duffield". (Office Action, page 5, lines 18-20). The applicants respectfully remind the Examiner that if a proposed modification cannot render the prior art unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F. 2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Stevens specifically coats the walls of his invention to make sure that the walls do not disintegrate in water. Omitting the coating, as suggested by the Examiner, would render Stevens' invention unsatisfactory. Accordingly, a person of ordinary skill in the art would have no motivation to do so.

With regard to claims 5-8, the Examiner additionally noted that the intended use does not serve to distinguish the apparatus from the prior art having the claimed structure. The applicants respectfully submit that none of these claims recite an intended use, but rather, they are directed to defining the *types* of compositions within the container. As such, the limitations distinguish the presently claimed apparatus by its composition, not its intended use.

Based on the foregoing, the applicants respectfully submit that a *prima facie* case of obviousness cannot be established, and respectfully request that the Examiner withdraw this rejection.

The applicants believe the claims are now in condition for allowance, and such favorable action is respectfully requested. If any issues remain, the resolution of which can be advanced through a telephone conference, the Examiner is invited to contact the applicant's attorney at the phone number listed below.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If entry and consideration of the amendments above requires an extension of time, Applicant respectfully requests that this be considered a petition therefor. The Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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